

APPENDIX F

FEMALE APPLICANTS FOR CORRECTION OFFICER AND CORRECTION PROGRAM OFFICER JOBS WITH THE MASSACHUSETTS DEPARTMENT OF CORRECTION MAY BE ENTITLED TO MONETARY RELIEF, PRIORITY JOB OFFERS AND DELAY HIRE RELIEF

On **February 10, 2012**, the United States, the Commonwealth of Massachusetts (Commonwealth) and the Massachusetts Department of Correction (MDOC) executed a settlement of a lawsuit filed by the United States on September 28, 2009 in the federal District Court for the District of Massachusetts.

In the lawsuit, the United States alleged that the MDOC's use of a physical abilities test (Caritas PAT) disproportionately excluded female applicants from employment as Correction Officers (COs) and Correction Program Officers (CPOs) in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII). The Commonwealth and the MDOC denied that the Caritas PAT discriminated against female applicants for employment as COs and CPOs. The MDOC has voluntarily discontinued using the Caritas PAT and will not resume using it in the future. Therefore, in the interest of resolving this matter, the United States, the Commonwealth and the MDOC have voluntarily entered into a Settlement Agreement settling the lawsuit.

The terms of settlement include the following:

- (1) The Commonwealth and the MDOC agree not to use the Caritas PAT for future hiring.
- (2) The Commonwealth and the MDOC agree to consider for future employment female applicants who took and failed the Caritas PAT for employment as entry-level COs or CPOs at the MDOC between June 2007 and the present, provided they meet the current lawful requirements of the position sought. If hired, these women will be awarded retroactive seniority dates based on the hire dates of individuals who took the Caritas PAT at the same time.
- (3) The Commonwealth and the MDOC agree to award retroactive seniority dates to some women who initially failed the Caritas PAT, but later passed it and were hired as COs and CPOs at the MDOC.
- (4) The Commonwealth and the MDOC agree to provide \$736,000 in monetary relief to be distributed among certain female applicants who failed the Caritas PAT.

The United States, the Commonwealth and the MDOC have identified those women who took and failed the Caritas PAT as applicants for employment as entry-level COs or CPOs at the

MDOC between June 2007 and the present. However, the Parties have been unable to locate some of these individuals due to changes in addresses, telephone numbers or names.

If you are a female who took and failed the Caritas PAT for employment as an entry-level CO or CPO at the MDOC between June 2007 and the present (even if later hired), and if you believe that you may have been adversely affected by the MDOC's use of the Caritas PAT and have not been contacted by the United States or the MDOC regarding the settlement, please:

Call the Employment Litigation Section of the Civil Rights Division at the Department of Justice at 1-800-556-1950, ext. 6 before March 31, 2012.

Leave your name, address and telephone number and a time when you can be reached.

Your call will be returned as soon as possible. If you may be eligible for relief under the settlement, you will receive information regarding the settlement and your right to object to the terms of the settlement.

Commonwealth of Massachusetts
and Massachusetts Department of Correction

United States Department of Justice
Civil Rights Division